

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

JOHN SIMS,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 1:19-cv-01030-TWP-TAB
	)	
WEXFORD HEALTH 501 Holiday Dr., Foster	)	
Plaza Four, Pittsburgh, PA 15220,	)	
CHELSIE BOYCE Nurse,	)	
LISA BLOUNT Nurse,	)	
MELANIE JOHNSON Nurse,	)	
LARA COMWAY Nurse,	)	
JENNIFER FLETCHER Nurse,	)	
HEATHER DAVIS Nurse,	)	
JERRY MELE Nurse,	)	
SARAH MARTIN Nurse,	)	
MEGAN WARD Nurse,	)	
MARRISSA RUNYAN Nurse,	)	
HOLLY DENMAN Nurse,	)	
LARA MCNEW Nurse,	)	
DEBRA ELLINGTON Nurse,	)	
NICOLE CLAYBORN Nurse,	)	
CHRISTOPHER SHERRON Nurse,	)	
RHONDA MCCARTNEY Nurse, Individually	)	
and in their official capacities,	)	
	)	
Defendants.	)	

**ENTRY SCREENING COMPLAINT, DISMISSING INSUFFICIENT CLAIMS, AND  
DIRECTING SERVICE OF PROCESS**

**I. Screening of the Complaint**

*A. Legal Standards*

Plaintiff John Sims was formerly incarcerated at the New Castle Correctional Facility (New Castle). Because the plaintiff is currently a “prisoner” as defined by 28 U.S.C. § 1915A(c), the Court has an obligation under 28 U.S.C. § 1915A(b) to screen his complaint before service on the

defendants. Pursuant to § 1915A(b), the Court must dismiss the complaint if it is frivolous or malicious, fails to state a claim for relief, or seeks monetary relief against a defendant who is immune from such relief. In determining whether the complaint states a claim, the Court applies the same standard as when addressing a motion to dismiss under Federal Rule of Civil Procedure 12(b)(6). *See Cesal v. Moats*, 851 F.3d 714, 720 (7th Cir. 2017). To survive dismissal,

[the] complaint must contain sufficient factual matter, accepted as true, to state a claim for relief that is plausible on its face. A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.

*Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). *Pro se* complaints such as that filed by the plaintiff are construed liberally and held to “a less stringent standard than pleadings drafted by lawyers.” *Cesal*, 851 F.3d at 720.

#### B. *Allegations*

The complaint filed on March 14, 2019, names as defendants Wexford Health and sixteen nurses who worked at New Castle. Mr. Sims names the defendants in their individual and official capacities. For relief, Mr. Sims seeks compensatory damages.

Mr. Sims alleges that he asked each of the defendant nurses for medical care during the period of February 18, 2018, through February 24, 2018. He was on suicide watch during most of this time. Dkt. 1 at 8. He alleges that he requested his high blood pressure medication, reported that his blood pressure was high, and that he was experiencing chest pain. The defendant nurses refused to provide treatment or to submit his health care request forms. He alleges that he thereafter had a mini stroke. In September 2018, after he had the mini stroke, he was put back on some type of high blood pressure medication.

C. *Analysis*

The only allegation against Wexford Health is a conclusion that it “is legally responsible for” his having a mini stroke. Dkt. 1 at 4. Wexford Health is identified as the company that hires nurses to work at New Castle. Wexford is treated as a government entity for purposes of Section 1983 claims. *See Jackson v. Illinois Medi-Car, Inc.*, 300 F.3d 760, 766 fn.6 (7th Cir. 2002); *but see Shields v. Illinois Department of Correction*, 746 F.3d 782, 790 (7th Cir. 2014) (finding “substantial grounds to question the extension of the *Monell* holding for municipalities to private corporations”). “The central question is always whether an official policy, however, expressed ... caused the constitutional deprivation.” *Glisson v. Indiana Department of Correction, et al.*, 849 F.3d 372, 379 (7th Cir. 2017) (holding also that the failure to make policy itself may be actionable conduct); *see also Johnson v. Dossey*, 515 F.3d 778, 782 (7th Cir. 2008). Mr. Sims does not allege any facts that suggest that a constitutional deprivation was caused by an express policy or custom of Wexford Health. Therefore, the claim against Wexford Health is **dismissed for failure to state a claim a claim upon which relief can be granted.**

The official capacity claims against the nurse defendants are **dismissed as unnecessary and for failure to state a claim a claim upon which relief can be granted** because there is no claim for injunctive relief.

The deliberate indifference Eighth Amendment damages claims **shall proceed** against the sixteen nurse defendants in their individual capacities.

These are the claims the Court discerns in the complaint. If Mr. Sims believes that additional claims were alleged in the complaint but not identified by the Court, he shall have **through July 15, 2019**, in which to identify those claims.

## II. Service of Process

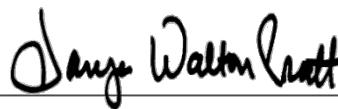
The **clerk is directed** pursuant to Fed. R. Civ. P. 4(c)(3) to issue process to defendant nurses 1) Chelsie Boyd; 2) Lisa Blount; 3) Melanie Johnson; 4) Lara Comway; 5) Jennifer Fletcher; 6) Heather Davis; 7) Jerry Mele; 8) Sarah Martin; 9) Megan Ward; 10) Marrissa Runyan; 11) Holly Denman; 12) Lara McNew; 13) Debra Ellington; 14) Nicole Clayborn; 15) Christopher Sherron; and 16) Rhonda McCartney, in the manner specified by Rule 4(d). Process shall consist of the complaint filed on March 14, 2019 (docket 1), applicable forms (Notice of Lawsuit and Request for Waiver of Service of Summons and Waiver of Service of Summons), and this Entry.

The **clerk shall terminate from the docket** defendant Wexford Health.

The clerk is **requested to send a copy** of this Entry to attorney Douglass R. Bitner.

**IT IS SO ORDERED.**

Date: 6/17/2019



TANYA WALTON PRATT, JUDGE  
United States District Court  
Southern District of Indiana

Distribution:

JOHN SIMS  
232623  
WABASH VALLEY - CF  
WABASH VALLEY CORRECTIONAL FACILITY - Inmate Mail/Parcels  
6908 S. Old US Hwy 41  
P.O. Box 1111  
CARLISLE, IN 47838

Nurse Chelsie Boyd  
MEDICAL EMPLOYEE  
New Castle Correctional Facility  
1000 Van Nuys Rd.  
PO Box A  
New Castle, IN 47362

Nurse Lisa Blount  
MEDICAL EMPLOYEE  
New Castle Correctional Facility  
1000 Van Nuys Rd.  
PO Box A  
New Castle, IN 47362

Nurse Melanie Johnson  
MEDICAL EMPLOYEE  
New Castle Correctional Facility  
1000 Van Nuys Rd.  
PO Box A  
New Castle, IN 47362

Nurse Lara Comway  
MEDICAL EMPLOYEE  
New Castle Correctional Facility  
1000 Van Nuys Rd.  
PO Box A  
New Castle, IN 47362

Nurse Jennifer Fletcher  
MEDICAL EMPLOYEE  
New Castle Correctional Facility  
1000 Van Nuys Rd.  
PO Box A  
New Castle, IN 47362

Nurse Heather Davis  
MEDICAL EMPLOYEE  
New Castle Correctional Facility  
1000 Van Nuys Rd.  
PO Box A  
New Castle, IN 47362

Nurse Jerry Mele  
MEDICAL EMPLOYEE  
New Castle Correctional Facility  
1000 Van Nuys Rd.  
PO Box A  
New Castle, IN 47362

Nurse Sarah Martin  
MEDICAL EMPLOYEE  
New Castle Correctional Facility  
1000 Van Nuys Rd.  
PO Box A  
New Castle, IN 47362

Nurse Megan Ward  
MEDICAL EMPLOYEE  
New Castle Correctional Facility  
1000 Van Nuys Rd.  
PO Box A  
New Castle, IN 47362

Nurse Marrissa Runyan  
MEDICAL EMPLOYEE  
New Castle Correctional Facility  
1000 Van Nuys Rd.  
PO Box A  
New Castle, IN 47362

Nurse Holly Denman  
MEDICAL EMPLOYEE  
New Castle Correctional Facility  
1000 Van Nuys Rd.  
PO Box A  
New Castle, IN 47362

Nurse Lara McNew  
MEDICAL EMPLOYEE  
New Castle Correctional Facility  
1000 Van Nuys Rd.  
PO Box A  
New Castle, IN 47362

Nurse Debra Ellington  
MEDICAL EMPLOYEE  
New Castle Correctional Facility  
1000 Van Nuys Rd.  
PO Box A  
New Castle, IN 47362

Nurse Nicole Clayborn  
MEDICAL EMPLOYEE  
New Castle Correctional Facility  
1000 Van Nuys Rd.  
PO Box A  
New Castle, IN 47362

Nurse Christopher Sherron  
MEDICAL EMPLOYEE  
New Castle Correctional Facility  
1000 Van Nuys Rd.  
PO Box A  
New Castle, IN 47362

Nurse Rhonda McCartney  
MEDICAL EMPLOYEE  
New Castle Correctional Facility  
1000 Van Nuys Rd.  
PO Box A  
New Castle, IN 47362

Courtesy Copy to:

Douglass R. Bitner  
Katz Korin Cunningham, P.C.  
The Emelie Building  
334 North Senate Avenue  
Indianapolis, IN 46204